

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CREDIT CARD PROCESSING USA, INC. d/b/a	:	
MSI MERCHANT SERVICES, INC.	:	
Plaintiff,	:	10-cv-7464 (LBS)
	:	
-against-	:	
	:	
MERRICK BANK CORPORATION and	:	
CARDWORKS, INC.	:	
Defendant.	:	
	:	
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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and upon all the pleadings and proceedings had herein, defendants Merrick Bank Corporation and CardWorks Inc., by and through their undersigned attorneys, Satterlee Stephens Burke & Burke LLP, will move this Court, at the Courthouse located at 500 Pearl Street, Courtroom 15-A, New York, New York, on January 20, 2011, at 2:15 P.M., for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing plaintiffs Second, Third, Fifth and Seventh Claims for Relief with prejudice, and for such other and further relief as this Court deems proper.

SATTERLEE STEPHENS BURKE & BURKE LLP

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